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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DCR DOCKET NO.:AG14HB01563

| | | |
|---------------------|---|-----------------------------|
| _____ | : | <u>CONSENT ORDER</u> |
| IN THE MATTER OF: | : | |
| | : | |
| LOEWS CINEPLEX INC. | : | |
| _____ | : | |

WHEREAS, the Attorney General of the State of New Jersey ("Attorney General") and the Director of the New Jersey Division on Civil Rights ("Director") are charged with the responsibility of enforcing the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. ("LAD"), and all regulations promulgated thereunder N.J.A.C. 13:13-1.1 et seq.; and

WHEREAS, the Division investigated alleged violations of the LAD and the regulations, specifically alleged discrimination against the deaf and hard-of-hearing by places of public

accommodation operated by Loews Cineplex Theatres, Inc. or its wholly owned subsidiaries ("Loews"); and

WHEREAS, the parties have reached an amicable agreement resolving any and all issues in connection with potential violations of the LAD and its regulations;

NOW THEREFORE, it is on this day of August, 2004,

AGREED AND ORDERED as follows:

DEFINITIONS

1. As used in this Consent Order, the Rear Window Closed Captioned System ("RWC") is a system that displays reversed captions on a light-emitting diode ("LED") text display which is mounted in the rear of a theater. Deaf and hard-of-hearing patrons use transparent acrylic panels attached to the seats to reflect the captions so that they appear superimposed on the movie screen. The reflective panels are portable and adjustable, enabling the caption user to sit anywhere in the theatre.

2. This Consent Order applies to theatres operated by Loews and situated only in the State of New Jersey.

BUSINESS PRACTICES

3. By entering into this Consent Order, the parties agree that there are no admissions of liability or wrongdoing or findings of liability or wrongdoing under the LAD and its regulations.

4. Within thirty (30) days after Loews is furnished with a fully-executed copy of this Consent Order, Loews agrees to place its order for the RWC systems hereinafter set forth and to install them within thirty (30) days from their delivery. If any of the RWC systems are not installed within six (6) months from the placement of the order for reasons outside the control of Loews, Loews shall notify the following individual as to the delay and the reason for the delay. Otherwise, failure to comply with the provisions of the Consent Order shall be deemed a violation of this Order.

Notice by facsimile and regular mail should be sent to:

Anne Marie Kelly
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Facsimile Number: (973) 648-7156

Loews agrees to install RWC systems in its following theatres in New Jersey.

(a) One (1) RWC system at one screen at its Brick Plaza Theatre, located at 3 Brick Plaza, Bricktown, New Jersey;

(b) One (1) RWC system at two screens at its Cherry Hill Theatre, located at 2121 Route 38, Cherry Hill, New Jersey;

(c) One (1) RWC system at one screen at its East Hanover 12 Theatre, located at 145 State Route 10, East Hanover New Jersey;

(d) One (1) RWC system at one screen at its Monmouth Mall 15 Theatre, located at 180 State Route 35 South, Eatontown, New Jersey;

(e) One (1) RWC system at one screen at its Menlo Park 12 Theatre, located at 390 Menlo Park, Edison, New Jersey;

(f) One (1) RWC system at two screens at its Loews Jersey Gardens Theatres, located at 651 Kapowski Road, Elizabeth, New Jersey;

(g) One (1) RWC system at one screen at its Freehold Metroplex 14 Theatre, located at 101 Trotters Way, Freehold, New Jersey;

(h) One (1) RWC system at one screen at its Newport Centre 11 Theatre, located at 30-300 Mall Drive West, Jersey City, New Jersey;

(i) One (1) RWC system at one screen at its Mountainside 10 Theatre, located at 1021 Route 22 East, Mountainside, New Jersey;

(j) One (1) RWC system at two screens at its Loews New Brunswick Theatre, located at 260 East Route 4, Paramus, New

Jersey;

(k) One (1) RWC system at one screen at its Route 4 10-Plex theatre, located at 260 East Route 4, Paramus, New Jersey;

(l) One (1) RWC system at one screen at its Route Seventeen 3 Theatre, located at 85 S. State Route 17, Paramus, New Jersey;

(m) One (1) RWC system at one screen at its Ridgefield Park 12 Theatre, located at 75 Challenger Road, Ridgefield Park, New Jersey;

(n) One (1) RWC system at one screen at its Meadow Six Theatre, located at 800 Plaza Drive, Seacaucus, New Jersey;

(o) One (1) RWC system at one screen at its Plaza Eight Theatre, located at 495 Harmon Meadow Boulevard, Seacaucus, New Jersey;

(p) One (1) RWC system at one screen at its Seacourt 10 Theatre, located at 635 Bay Avenue, Toms River, New Jersey;

(q) One (1) RWC system at one screen at its Wayne 8 Theatre, located at 67 Willowbrook Boulevard, Wayne, New Jersey, and

(r) One (1) RWC system at all newly constructed or acquired theatres in New Jersey. If the theatre has more

than 15 screens, Loews will install an additional RWC system in that theatre.

5. Loews will provide notices of the scheduled movies for which RWC is available through newspapers, telephone advertisements, its own website, any other websites which Loews utilizes and controls to advertise schedule movies and any other form of advertisement Loews utilizes and controls. The provisions of this Paragraph 4 apply only to media that meet the following two qualifications: (i) media that is targeted generally to the audience within a 20-mile radius of the applicable theatre, and (ii) media where Loews controls the content of any such advertisement. As to any other media not controlled by Loews, Loews agrees to request that notice of the scheduled movies for which RWC is available be included in the advertisements.

6. Loews will maintain at a minimum ten (10) seat reflector screen for each RWC system installed in its theatres under this Consent Order.

7. At the time the RWC system is installed in each of its theatres, Loews shall develop and post a written notice prominently displayed in its box office and the lobby of the theatre informing its patrons that the RWC system is available at a specific screen, with instructions as to how to access this system:

8. Loews shall designate one individual and an alternate at each theatre to monitor that the RWC system is in operating condition.

9. Loews shall train all employees who may have contact with patrons as to the use of the RWC system.

GENERAL ASSURANCES

10. If Loews fails to comply with the provisions of this Consent Order, each failure to comply shall be deemed a violation of the LAD, entitling plaintiffs to seek such relief and remedies available under the LAD, including N.J.S.A. 10:5-14.1a. If Loews is unable to comply with the provisions of this Consent Order by reason of any causes beyond its reasonable control, the time for compliance shall be extended by the duration that any such causes were operative. Loews shall notify by facsimile and regular mail the individual identified in paragraph 4 of this Consent Order as to the reasons why Loews is unable to comply.

11. This Consent Order shall bind the parties and shall be binding on and be for the benefit of any and all future purchasers, merged parties or other successors in the interest of Loews.

12. In the event technology is developed superior to the RWC system, either party may move to renegotiate the terms of this Consent Order.

13. The parties agree that for purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions hereof.

14. This Consent Order constitutes the entire agreement between the parties hereto and shall bind the parties hereto and their respective officers, directors, agents, representatives, employees, successors and assigns.

15. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and has done so with authority to legally bind the respective party.

16. Any amendments to this Consent Order must be in writing and signed by all the parties hereto.

17. This Consent Order shall constitute a Final Agency Order

and is effective upon filing and receipt by Loews of a fully-executed counterpart.

NEW JERSEY DIVISION ON CIVIL RIGHTS


By: 
J. FRANK VESPA-PAPALEO, ESQ.
DIRECTOR

Dated: 9/8/04

I have read the above Consent Order, understand it and hereby agree to be bound by its terms. Consent as to the form and entry of this Order.

Dated: _____

LOEWS CINEPLEX THEATRES, INC.

By: 
MICHAEL P. NORRIS
PRESIDENT
LOEWS CINEPLEX UNITED STATES

Dated: 8-30-04